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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **LENNIS L. ROBERSON,**

16 Plaintiff,

17 v.

18 **JEANNE WOODFORD, et al.,**

19 Defendants.
20

CASE NO. C 07-3497 CRB (PR)

**DECLARATION OF L.
GIBBS-BATTENFELD
SUPPORTING
DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

21 I, L. GIBBS-BATTENFELD, DECLARE AS FOLLOWS:

22 1. I am competent to testify to the matters set forth herein, and if called upon to do so, I
23 would and could so testify. I make this declaration from my own personal knowledge. I submit
24 this declaration in support of Defendants' motion for summary judgment.

25 2. I have been employed by the California Department of Corrections and Rehabilitation
26 (CDCR) since January 2, 1985, and have worked at the Correctional Training Facility, Soledad
27 (Soledad) since that date.

28 3. I am currently a Correctional Counselor II, Supervisor, at Soledad and have served in

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1 this capacity since July 2006. My duties include reviewing case work, organizing training
2 sessions, chairing committees, and numerous related tasks. I supervise nine counselors. I serve
3 on various committees, such as classification and disciplinary, to ensure that all decisions
4 reached are consistent with departmental policy. Before July 2006, I was a Correctional
5 Counselor I (CC-I) from 1997 to 2006. As CC-I, my duties included preparation for
6 classification committee, reviewing cases for compliance with policies and procedures, writing
7 reports, writing classification chronos, conducting board hearings, and numerous related tasks.
8 Inmates are assigned to a counselor based on the wing they are housed in, and the bed the inmate
9 is assigned to.

10 4. I reviewed CDC 602 inmate appeal log number 06-334 on January 3, 2006. I
11 explained to Plaintiff Roberson that he was placed on C-status on January 1, 1999 due to
12 program failure resulting from his refusal to follow grooming standards. I further responded that
13 he was still not in compliance with departmental grooming standards. Plaintiff Roberson did not
14 state in the inmate appeal, or to me personally, that he was in violation of grooming standards
15 based on his religious beliefs.

16 5. On February 15, 2006, I served on the panel of the Unit III Classification Committee
17 for a special review. At that panel, Plaintiff Roberson was removed from C-status and his work
18 group was established as A-2, privilege group B, effective January 17, 2006. Work group A-2
19 provides that an inmate receives one day credit for each two days of time served. Privilege
20 group B allows for limited visiting privileges, canteen access, telephone access, and limited
21 personal property packages. Plaintiff was placed on waiting lists for work assignments.

22 6. At that time, Plaintiff stated that he believed his work group should be A-1, privilege
23 group A, because of religious reasons. Inmates assigned to work group A-1 receive one day of
24 credit for each day assigned to this work group. Privilege group A provides for increased
25 privileges from privilege group B. Plaintiff was advised of his right to appeal the February 15,
26 2006 committee action.

27 7. In February 2006, the committee was conducting numerous special reviews of inmates
28 who were on C-status for grooming violations. As part of my duties as CC-I, I was responsible


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1 for reviewing individual inmate cases for compliance with policies and procedures. At that time,
2 we reviewed the inmate's central file to determine if they were on C-status for grooming
3 standard violations. As part of the central file review, according to departmental policy, any
4 inmate who had received a disciplinary violation on or after September 22, 2000, and who could
5 provide proof that the violation was based upon religious beliefs, could be entitled to receive
6 restoration of credits. We also investigated whether the central file revealed that the grooming
7 violation was based on religious reasons. If documents in the central file indicated that an
8 inmate's grooming violation stemmed from his religious convictions, we would evaluate whether
9 the inmate was entitled to credit restoration on that basis. Finally, departmental policy dictated
10 that any inmate, regardless of the inmate's religious beliefs, who was assigned C-status due to
11 grooming violations was to be removed from C-status effective January 17, 2006, the date that
12 the new departmental grooming regulations were enacted.

13 8. Plaintiff Roberson received his disciplinary violations in 1998, therefore he was not
14 entitled to credit restoration. Also, there was no proof that Plaintiff's disciplinary violations
15 were based on Plaintiff's religious beliefs, except for Plaintiff's statements at the committee.
16 Therefore, Plaintiff Roberson was removed from C-status at the committee, as explained in
17 paragraph five above. He was removed from C-status effective January 17, 2006, as required by
18 departmental policy.

19 I declare under penalty of perjury that the foregoing is true and correct to the best of my
20 knowledge and that this declaration was executed on February 8, 2008, at Soledad, California.

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23 L. GIBBS-BATTENFELD
24 Correctional Counselor II, Supervisor
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